

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/541,829 Confirmation No. 6140
Applicant (s) : Parvinder S. Walia et al.
Filed : July 12, 2005
TC/A.U. : 1711
Examiner : Olga Asinovsky
Title : SILANE MOISTURE CURED HEAT RESISTANT FIBERS MADE
FROM POLYOLEFIN ELASTOMERS

Docket No. : 62771A
Customer No. : 00109

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

This paper is being filed responsive to the Official Action dated August 21, 2007. In that paper the Examiner has issued a restriction requirement to restrict the claims to one of 9 groups. To support the restriction requirement the Examiner has stated, "The inventions listed as Groups I-IX do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Independent claim 1 is either obvious or anticipated by Brann et al U.S. patent 5,741,858."

First of all, as this is case is in the US national phase, it seems inappropriate to refer to PCT rules at this time. More importantly, given the statement quoted above, it is difficult for the Applicants to understand whether this is a first action on the merits for this case or not. Does claim 1 stand rejected in light of prior art? Given the new rule changes and their effect on applications which have not received a first action on the merits by November 1, 2007, Applicants respectfully request clarification of this issue well before the November 1st deadline.

In order to respond fully to the office action, Applicant hereby elects to prosecute the invention of Group 1, claims 1-5, 9-16, 18-19 and 23-24.

This election is made with traverse, however, as Applicants respectfully contest the assertion that claim 1 is either obvious or anticipated by US 5,741,858 to Brann et al. Claim 1 requires that the silane material and free radical material be present in a ratio greater than 45:1. Brann teaches a highest typical ratio of 30:1, and a highest preferred ratio of 24:1. Clearly this does not anticipate a ratio greater than 45:1. The Examiner has also suggested that "In light of the crosslinking effect and desired property of the resulting grafted polyolefin, it would have been obvious to one of ordinary skill in the art to increase the amount of silane compound in order to obtain the desired tensile strength of the resulting grafted polyolefin." First of all, the Examiner has not provided any evidence that increased tensile strength by means of increased silane incorporation is known to be a desired goal for a person of ordinary skill in the art. More importantly, however, the Examiner has not cited any reference showing that it was generally known what effect changing the ratios of the components used for silane grafting in the specific way recited in the claims would have on

the resulting polymer. For example, it is not clear at all to the Applicants why a person of ordinary skill in the art would not think that increasing the amount of free radical would be the way to increase the amount of silane incorporated into the backbone, if that was the goal. As explained at page 1 of the current specification, it is believed the grafting is a two step process involving first removing hydrogen from the polymeric backbone and then grafting the silane to the exposed carbon. As both steps are believed necessary, it is not clear why someone would arbitrarily increase the amount of one component to nearly twice the preferred range taught by Brann

Accordingly, as claim 1 is not anticipated or obvious, there is no support for the Examiner's assertion that the various claims lack the same or corresponding technical features. Therefore, as the basis for the Examiner's restriction requirement is erroneous, the above election is made with traverse.

Respectfully submitted,

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